

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-CR-00218-RJC

USA

v.

JIMMY BRICE (1)

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ORDER

THIS MATTER is before the Court on the defendant's Motion for Compassionate Release and for appointment of counsel, (Doc. No. 84), which he claims follows his request for relief from the warden of his institution. However, Local Criminal Rule 47.1(D) provides that the government is not required to respond to pro se motions unless ordered by the Court.

Title 18, United States Code, Section 3582(c)(1)(A) allows a defendant to file a motion for a sentence reduction based on "extraordinary and compelling reasons" after the lapse of 30 days of the receipt of such a request by the warden of the defendant's facility. There is no right to counsel in § 3582(c) proceedings. United States v. Legree, 205 F.3d 724, 729-30 (4th Cir. 2000). Furthermore, it appears from the record that the defendant has adequately raised issues on his own in the past.

IT IS, THEREFORE, ORDERED that the government shall file a response to the Motion for Compassionate Release within fourteen (14) days of the entry of this Order.

IT IS FURTHER ORDERED that the defendant's motion for appointment of counsel is **DENIED**.

Signed: December 9, 2020

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

